

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:18cr 456
)	
THE OUTPOST, LLC)	

POSITION OF THE UNITED STATES
WITH RESPECT TO SENTENCING FACTORS

In accordance with Section 6A1.2 of the *Sentencing Guidelines* and this Court's policy regarding guideline sentencing, the government hereby represents that it has reviewed the Probation Office's Presentence Report, and that it does not dispute any of the factors or facts set out therein.

In Paragraph 7 of the plea agreement in this case, the United States agreed that it would not ask the Court to impose as part of the sentence in this case any financial penalty other than the forfeiture and the money judgment ordered by this Court on December 19, 2018, and the mandatory special assessment of \$400. On December 19, 2018, this Court ordered the forfeiture of scores of individual pieces of wildlife and wildlife parts owned by the defendant, and the imposition of a money judgment of \$275,000. That money judgment has been paid and satisfied. Accordingly, the only financial penalty that we now seek is imposition of the mandatory special assessment of \$400.

Obviously, a corporate defendant cannot be incarcerated. Although such a defendant can be placed on probation, we expect that the imposition of probation on this defendant may be an

unnecessary gesture. While a sentence to probation can provide court oversight of continuing corporate conduct, the Presentence Report reflects that the defendant has been closed. Moreover, sufficient oversight in this case is likely to be achieved through imposition of this Court's separate sentence on Keith Foster in his own case.

For the reasons set forth above, the United States asks that the Court impose no sentence in this case in addition to that imposed through the forfeiture order, except the mandatory \$400 special assessment.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

By: Gordon D. Kromberg
Assistant United States Attorney
Virginia Bar No. 33676
Attorney for the United States
2100 Jamieson Avenue
Alexandria, VA 22314
(703) 299-3700
(703) 837.8242 (fax)
gordon.kromberg@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2019, I electronically filed the foregoing POSITION OF THE UNITED STATES WITH RESPECT TO SENTENCING FACTORS with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record.

/s

Gordon D. Kromberg
Assistant United States Attorney
Virginia Bar No. 33676
Assistant United States Attorney
Attorney for the United States
2100 Jamieson Avenue
Alexandria, VA 22314
(703) 299-3700
(703) 837.8242 (fax)
gordon.kromberg@usdoj.gov